

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MICHAEL CONE, On Behalf of Himself
and All Others Similarly Situated,

Plaintiff,

DEKRA EMISSION CHECK INC.,

Defendant.

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Civil Action No.:3:04-CV-1191-B

**PLAINTIFFS' AND DEFENDANT'S FINAL REPORT
AND STIPULATION FOR DISMISSAL WITH PREJUDICE**

Plaintiffs and Defendant (the “Parties”) file their Final Report and Stipulation for Dismissal with Prejudice concerning the settlement of this case. In support, the parties file the declaration of Mark Patton, the Projects Coordinator of Settlement Services, Inc. (attached hereto as Ex. “1”).

**I.
NOTICE**

On May 16, 2005, the Claims Administrator, Settlement Services, Inc. (SSI) mailed the Court-approved Notice of Settlement and Opportunity to File Consent to Join Form (the “Notice”) to approximately 178 class members. Prior to sending the Notice, SSI ran the class member list through an address tracing service and obtained possible new addresses (“trace addresses”) for 165 of 178 class members. Thus, SSI sent the Notices to both the known address and the trace addresses for the 165 class members for whom a trace address was found. Approximately 68 notices were returned as undeliverable. SSI then traced the class members whose notices were returned undeliverable, and remailed notices to the new address if one was obtained through the

tracing process. Of the 178 class members, 168 had a least one notice packet that was not returned as undeliverable by the U.S. Postal Service.

II.

OPT-IN FILERS

Of the 178 class members who were sent notices, 93 filed Consent-to Join forms (Opt-ins) by the filing deadline.¹ Of this group, 11 also filed challenges to the weeks worked data provided in their Notice, as provided by the Settlement Agreement. Out of the 11 challenges filed, 9 were granted and 2 were denied.

Under the Settlement Agreement, the total weeks worked for all qualified claimants (5,593) was divided into the Claimant Fund (\$37,857.14) to determine the value of a week worked (\$6.77). Each individual qualified claimant's award was then calculated by multiplying the value of a week worked by the number of total weeks worked for each claimant. The gross value of the monetary awards ranged from approximately \$20 to \$758.²

III.

CHECK DISTRIBUTION

On September 22, 2005, SSI mailed settlement checks to all qualified claimants. Any checks returned undeliverable will be traced by SSI and the checks remailed if a new address is confirmed. If no new address is confirmed or if the checks are ultimately uncashed, those funds will be subject to the reversionary provision described in Section IV below.

IV.

REVERSION FUNDS

Any monies remaining in the claimant fund after the time period for cashing checks expires, less any administrative costs or expenses, will be returned to Defendant as required by the

¹ 6 Consent-to-Join forms were filed untimely, and therefore those claimants were determined to be not qualified.

² From one-half of each qualified claimant's award check was deducted the employee and employer's share of withholdings and deductions pursuant to the terms of the Settlement approved by the Court.

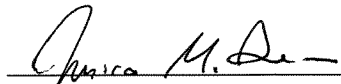
Settlement Agreement.

V.
DISMISSAL OF ACTION

In light of the above Final Report, the parties stipulate that this case should now be dismissed with prejudice.

Respectfully submitted this 21 day of October, 2005.

Rasansky Law Firm



JEREMI K. YOUNG
Attorney in Charge
Texas Bar No. 24013793
JEFFREY H. RASANSKY
Texas Bar No. 16551150
JESSICA M. DEAN
Texas Bar No. 24040777

2525 McKinnon, Suite 725
Dallas, TX 75201
(214) 651-6100 (Telephone)
(214) 651-6150 (Facsimile)

ATTORNEYS FOR PLAINTIFFS

Littler Mendelson, P.C.



ROBERT F. FRIEDMAN
Attorney in Charge
State Bar No. 24007207

2001 Ross Avenue, Suite 2600
Dallas, TX 75201
(214) 880-8100 (Telephone)
(214) 880-0181 (Facsimile)

ATTORNEYS FOR DEFENDANT

APPROVED and so ORDERED this _____ day of October, 2005.

U.S. DISTRICT JUDGE